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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/577,743 | 02/13/2007 | Udo-Martin Gomez | 10191/4184 | 2848 |
| 26646 | 7590 | 09/27/2010 | EXAMINER | |
| KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | CHAPMAN JR, JOHN E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2856 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/27/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/577,743 | GOMEZ ET AL. | |
| | Examiner | Art Unit | |
| | John E. Chapman | 2856 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 February 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 11-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 11-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2010 has been entered.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The embodiment of the yaw rate sensor according to the invention in Fig. 2 is unclear. Comb drive (6) of the drive element and quadrature compensation structures (8, 9) of the Coriolis element appear to be located on the same element, rather than on different elements (1a, 2a) connected by a U-shaped spring (4) as shown in Fig. 1. Consequently, the drive element in Fig. 2 appears to be rigidly connected to the Coriolis element, which arrangement would appear to render the yaw rate sensor inoperative. Insofar as the drive element (1a) in Fig. 1 is incapable

of motion in the detection direction (Y), it is not evident that the Coriolis element in Fig. 2 is capable of “deflection . . . in a second axis that is perpendicular to the first axis.” It is not evident that the yaw rate sensor in Fig. 2 comprises a plurality of springs (4), nor is it evident how to modify the yaw rate sensor in Fig. 2 so as to comprise a plurality of springs. Likewise in the other disclosed embodiments of the yaw rate sensor in Figs. 3, 4 and 5, the drive element appears to be rigidly connected to the Coriolis element, which arrangement would appear to render the yaw rate sensors inoperative. It is not evident that the yaw rate sensors in Figs. 3, 4 and 5 comprise a plurality of springs (4), nor is it evident how to modify the yaw rate sensors so as to comprise a plurality of springs.

4. Applicant's arguments filed February 5, 2010 have been fully considered but they are not persuasive. Applicant asserts that support for “a plurality of springs” and a Coriolis element “connected to the drive element by the plurality of springs” are disclosed in the Specification at page 4, lines 25-26. However, the description in the Specification at page 4, lines 25-26 is directed to the yaw rate sensor according to the related art (Fig. 1) and not to the yaw rate sensor according to the present invention (Figs. 2-5). Applicant does not explain how the description provided for the yaw rate sensor according to the related art (Fig. 1) applies to the yaw rate sensor according to the present invention (Figs. 2-5). The drawings do not illustrate a plurality of springs connecting a Coriolis element to a drive element in the yaw rate sensor according to the present invention (Figs. 2-5). It is not evident that the yaw rate sensors in Figs. 2-5 comprise a plurality of springs (4), nor is it evident how to modify the yaw rate sensors in Figs. 2-5 so as to comprise a plurality of springs connecting a Coriolis element to a drive element. The yaw rate sensors in Figs. 2-5 bear little resemblance to the yaw rate sensor in Fig. 1.

Applicant argues that many factors are to be considered in determining whether a specification satisfies the enablement requirement, and that these factors include but are not limited to the following: the breadth of the claims; the nature of the invention; the state of the prior art; the level of ordinary skill; the level of predictability in the art; the amount of direction provided by the inventor; the existence of working examples; and the quantity of experimentation needed to make or use the invention based on the disclosure. Applicant further argues that it is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors, and that the examiner's analysis must therefore consider all the evidence related to each of these factors so that any nonenablement conclusion must be based on the evidence as a whole. However, the only evidence of record consists of applicant's disclosure. Applicant fails to provide any further evidence for consideration. Nor does applicant explain why it would have been obvious to one of ordinary skill in the art how to modify the yaw rate sensor according to the present invention (Figs. 2-5) so as to make the claimed invention.

Applicant argues that the examiner's assertions that the claims are not adequately enabled by the disclosure are unsupported and merely conclusory. However, the assertion that the claims are not adequately enabled by the disclosure are supported by an analysis of the disclosure, for example, the fact that the drawings do not illustrate a plurality of springs connecting a Coriolis element to a drive element in the yaw rate sensor according to the present invention (Figs. 2-5) is supported by the disclosure. Applicant fails to explain how the disclosure, which fails to illustrate the claimed invention in any embodiment, would have enabled one of ordinary skill in the art to make and use the claimed invention. Applicant further fails to explain why it would

have been obvious to one of ordinary skill in the art how to modify the yaw rate sensor according to the present invention (Figs. 2-5) so as to make and use the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John E Chapman/
Primary Examiner
Art Unit 2856